

FILED  
JAMES DOWINI  
CLERK

04 JUN 29 PM 3:20

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION, CINCINNATI

**EVERETT W. WHISMAN, et al.** :

Plaintiffs : Case No. C-1-02-406

v. : Judge Beckwith

**ZF BATAVIA, LLC** : **NOTICE OF APPEAL**

and :  
:

**FORD MOTOR COMPANY** :  
Defendants.  
:

Notice is hereby given that all Plaintiffs, Everett W. Whisman, Pamela J. Blanco, William DeVito, Jr., Ted Edrington, Charles R. Pearce, Gary W. Vories, E. Donald Williams, James E. Crump, Randall Newsome, Edward L. Stegmann, Dena M. Stevens, Teri Parker, Dennis R. Baker, Ricky D. Ervin and Michael L. Steward, in the above named case, hereby appeal to the United States Court of Appeals for the Sixth Circuit from the Judgment in which the court granted Defendants', ZF Batavia, LLC and Ford Motor Co., motions for summary judgment and denied Plaintiffs' motion to strike as moot, entered by the district court in this action on June 1, 2004.

Dated: June 29<sup>th</sup>, 2004.

Respectfully submitted,



David M. Cook (0023469)  
Stephen A. Simon (0068268)  
David M. Cook, LLC  
22 West Ninth Street  
Cincinnati, Ohio 45202  
Phone: (513) 721-7500  
Fax: (513) 721-1178  
Trial Attorneys for Plaintiffs

**PRAECIPE**

Pursuant to FRAP 3(d), Plaintiffs direct the Clerk of Courts to serve this Notice of Appeal, this 29<sup>th</sup> day of June, 2004, via regular U.S. mail, postage prepaid, to the Sixth Circuit Court of Appeals Clerk of Courts and upon counsel for Defendants, as follows:

Ellen J. Garling  
Jeffery L. VanWay  
Baker & Hostetler LLP  
312 Walnut Street, Ste. 2650  
Cincinnati, Ohio 45202  
(Attorneys for Ford Motor Co.)

Douglas M. Morehart  
Haverkamp, Brinker, Rebold & Rhiel Co. LPA  
5856 Glenway Avenue  
Cincinnati, Ohio 45238-2079

and

John J. Hunter  
Hunter & Schank Co. LPA  
One Canton Square  
1700 Canton Avenue  
Toledo, Ohio 43264  
(Attorneys for ZF Batavia)



ATTORNEY FOR PLAINTIFFS